HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HONOURABLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No.1198 OF 2006

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Between:

Municipal Corporation of Guntur,
represented by Commissioner, Guntur. …Appellant

And

Abburi Srimannarayana Rao (died),
per L.R. and others. …Respondents.

:: **J U D G M E N T** ::

Counsel for the appellant : Sri B.Venkataratnam

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13th November 2006

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Per G.S.SINGHVI, C.J.

This is an appeal for setting aside order dated 1-3-2006 passed by the learned Single Judge in Review WPMP.No.33243 of 2005 in Writ Petition No.362 of 2005.

A perusal of the record shows that Writ Petition No.362 of 2005 field by non-petitioner No.1, who is now represented by non-petitioner No.2, for issue of a Mandamus to the non-petitioners (including the appellant herein) was disposed of by the learned single Judge on 31.10.2005 by giving liberty to petitioner No.2 to file fresh application for permission to raise construction and the respondents were directed to consider her application and pass appropriate order.

The petitioner-Municipal Corporation of Guntur (for short "the Corporation) and Director of Town Planning, Hyderabad applied for review of order dated 31.10.2005 by asserting that name of the counsel appearing for the Corporation had not been printed in the cause list of 31st October, 2005. The same was registered as Review WPMP No.33243 of 2005 and was allowed by the learned single Judge vide his order dated 31.3.2006. That order reads as under:

> "Heard learned counsel for parties.
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> Learned counsel for the petitioner submits that the name of the counsel appearing for the Municipal Corporation, Guntur has been wrongly printed as B. Venkat Satyam instead B. Venkata Ratnam. This factual aspect has not been contravartion by the learned Counsel appearing for the Writ petitioners.
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> In that view of the matter, I deem it appropriate to recall the order dated 31/10/2005 in W.P.No. 362/2005 and accordingly this petition is allowed."

Sri B.Venkataratnam, learned counsel for the appellant argued that even though the learned single Judge has recalled the order dated

31.10.2005, the Court may set aside the order impugned in the appeal because permission given to respondent No. 2 to file fresh application has not been modified.

In our opinion, the appeal is wholly merit less and is liable to be dismissed because,

i) There is no order dated 1-3-2006 passed by the learned Single Judge in Review WPMP.No.33243 of 2005 in Writ Petition No.362 of 2005. As a matter of fact, that petition was disposed of by the learned Single Judge by his order dated 31-3-2006 and not by order dated 1-3-2006. We are conscious of the fact that reference to order dated 1-3-2006 made in the prayer clause appears to be a typographical mistake, but such typographical mistake is clearly indicative of the extreme casualness with which the appeal has been filed.

ii) Even otherwise, we are convinced that there was absolutely no reason to challenge the order dated 31-3-2006 vide which, review application filed by the Corporation had been allowed and the order passed in Writ Petition No.362 of 2005 was recalled. In our considered view, the appellant cannot have any legitimate grievance against the order of the learned Single Judge by which the Review Petition filed by it had been allowed.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP.No.2487 of 2006 filed by the appellant for interim relief is also dismissed.

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G.S.SINGHVI, C.J.

13th November, 2006.

C.V.NAGARJUNA REDDY, J.

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